

United States of America,

Plaintiff,

versus

Jose Luis Rojas,

Defendant.

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Criminal H-11-116-02

Opinion on Motion to Vacate

1. Jose Luis Rojas pleaded guilty to one count of conspiracy to traffic in sex and one count of conspiracy to harbor illegal aliens. The court sentenced him to 16 years for the first count and 10 years for the second. Rojas appealed his sentence as unreasonable; the court of appeals affirmed.
2. He says that his sentence should be vacated or corrected because (a) he did not have adequate representation, (b) he did not understand the consequences of his plea and sentencing, (c) the proceedings were not in Spanish, and (d) he was threatened with harm to his family or a longer sentence when he asked for more information.
3. Rojas had counsel appear at arraignment and sentencing; he has not shown a single fact about the inadequacy of the representation. He told the court that he had talked with counsel and was pleased with his work. An official interpreter translated both proceedings.
4. He was not confused about the consequences of pleading guilty. The court asked if he wanted to waive a trial by a jury; he did. It described the elements of the two counts and the guideline ranges for sentencing: up to life in prison for the first count and up to 10 years for the second. He said that he did not have a question about sentencing. He

affirmed that he understood that once the court accepted his plea of guilty, he could not change his mind.

4. It is unclear who threatened his family or him with a longer sentence. He told the court that nobody had threatened or forced him to plead guilty and that nobody had promised him anything for his plea of guilty. At sentencing, he told the court that he had nothing to say.
5. The court could have sentenced him to life in prison. The government asked that the court sentence him to 20 years. The court did not compel him to plead guilty and sentenced him to 16 years' imprisonment. He has shown no fact to justify changing his sentence. His motion to vacate or correct his sentence will be denied.

Signed on July 2, 2013, at Houston, Texas.

A handwritten signature in black ink, appearing to read "Lynn N. Hughes", is written over a horizontal line.

Lynn N. Hughes
United States District Judge